IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1047 OF 2007
IN
SUMMARY SUIT NO.6631 OF 1999

Mahendra P. Barde ....Plaintiff
V/s.
Taj Birdys Food Services Ltd.& Ors. ....Defendants

Mr.A.Y. Sakhare, Senior Counsel i/b Swati Sawant for the Plaintiff.

Mr.Zain A.K. Najan-Es-Sani i/b Mulla & Mulla & C. B. & C. for Defendant No.3.

CORAM : S.J. VAZIFDAR, J.
DATED : 17TH JULY, 2007.

P.C. :

1. The Chamber Summons is placed on board and heard finally.

2. The Chamber Summons is misconceived. By this Chamber Summons, the Plaintiff seeks to implead Respondent No.1, Mars Restaurants Ltd, only on the ground that it has acquired major shareholding in Respondent No.1. That by itself does not create any liability against Respondent No.1.

3. The application for attachment before judgment of the assets of Defendant No.1 is also

misconceived. The claim is for the services allegedly rendered by the Plaintiff to Respondent No.1. Unconditional leave has been obtained. There is nothing to suggest that the assets of Defendant No.1 are being dealt with or are likely to be dealt with, with a view to defeat or delay any decree that may be passed.

4. In the circumstances, the Chamber Summons is dismissed.